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OFFICE OF PETITIONS

Applicant: Ji et al.

Appl. No.: 10/507,452

Filing Date: April 12, 2005

Title: HYDROPHILIC POLYMER DERIVATIVE WITH Y TYPE BRANCH AND
PREPARATION METHOD OF IT MEDICAL CPMPOSITE COMPRISING ABOVE
COMPUND

Attorney Docket No.: 1547/3

Pub. No.: US 2005/0180946 A1

Pub. Date: August 18, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on October 18, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error, as the title on the front page of the publication "HYDROPHILIC POLYMER DERIVATE WITH Y TYPE BRANCH AND PREPARATION METHOD OF IT MEDICAL COMPOSITE COMPRISING ABOVE COMPOUND" is misprinted as "HYDROPHILIC POLYMER DERIVATIVE WITH Y TYPE BRANCH AND PREPARATION METHOD OF IT MEDICAL CPMPOSITE COMPRISING ABOVE COMPUND ."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The error noted by requestor wherein the title is misprinted is an Office error but the mistake is a minor typographical error, which is clearly understandable to one of ordinary skill in reading the specification and the claims. The mistake is a minor typographical error, which is clearly understandable from reading the application, as terms are not read in a vacuum. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On April 22, 2005, a Filing Receipt was mailed, which listed the title with the misspelled words. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

It would greatly benefit the Office if applicant did not provide a complete copy of the publication, as the Office already has a copy and it unnecessarily increases the cost to the Office. A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request. If it is not clear why the error is a material error, further explanation may be warranted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



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